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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,243	01/05/2001	Rudolfus A.T.M. Van Benthem	P 275922 9637US/CONT	3640

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26
EXAMINER

BERMAN, SUSAN W

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,243

Applicant(s)

VAN BENTHEM ET AL.

Examiner

Susan W Berman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06-27-2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,9-23 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,9-23 and 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-33 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Election/Restrictions

Applicant's election without traverse of the claims of Group II wherein the compound is a polymeric compound and the species of condensation polymer is a polyesteramide in Paper No. 25 is acknowledged. New claims 33 and 34 are grouped with Group II. Applicant's understanding that those compounds in which "A" in formula I is a condensation polymer are restricted from those compounds in which "A" is hydrogen or a mono-valent or poly-valent organic group is confirmed.

Claims 2, 3, 9-21, wherein the species is a compound, and compound claims 22 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 25.

Allowable Subject Matter

Claims 27-33 are allowed.

The subject matter of claims 2, 3, 9-21 and 34 wherein "A" in the formula is "P" as defined in the claim is allowable for the same reasons as claims 27-34. However, if claim 2 were amended to recite only the allowable subject matter, the claim would duplicate claim 27.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record and otherwise known to the examiner does not disclose radiation curable compounds of formula (I) set forth in instant claims 2 and 27 wherein "A" is a polymer "P" and is one of the kinds of polymer set forth in the claim.

Nason et al (4,656,202) disclose a cellulosic polymer.

Stockinger et al (6,479,587 or WO 99/14253, published 03-25-1999) disclose crosslinkable polyureas, including polyurethane polyureas, comprising crosslinkable groups corresponding to those in instantly claimed formula (I).

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Takanashi et al (4,209,581) disclose photocurable resins obtained by polycondensing an alkylol derivative or alkylated alkylol derivative of urea or thiourea with an N-alkylol(meth)acrylamide.

The definition of "A" in the instant claims does not include polyureas.

Tomalia et al (3,928,499) disclose unsaturated poly(amide-esters) wherein the polymer backbone is a vinyl addition polymer.

Goldenberg (4,665,123) discloses polyvinyl alcohol derivatives containing pendant (meth)acryloyl groups bonded through urethane groups.

Conclusion

This application contains claims 2, 3 and 9-23 drawn to an invention nonelected with traverse in Paper No. 25. Cancellation of nonelected claims or other appropriate action (37 CFR 1.144) is suggested. See the attached interview summary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Berman whose telephone number is (703) 308-0040.

The fax number for this group is (703) 872-9310 or, for submissions after Final Rejection, (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist at telephone number (703) 308-0661.



Susan Berman
Primary Examiner
Art Unit 1711

S B
9/5/03